

**Appl. No.: 09/808,553**  
**Amdt. dated September 10, 2004**  
**Reply to Office action of June 10, 2004**

### **REMARKS**

Applicants have received the Office Action dated June 10, 2004, in which the Examiner (1) objected to specification; (2) rejected claims 1-20 under 35 USC § 112, second paragraph; (3) rejected claims 1-4, 9-14, 19-20 as anticipated by Kenner; and (4) rejected claims 5-8 and 15-18 as obvious over Kenner "in view of Official Notice." In this Response, Applicants add new claims 21-36. Based on the arguments and amendments stated herein, Applicants respectfully submit that all claims are in condition for allowance.

#### **The Specification Issues**

Per the Examiner's request, line numbering has been added to the claims.

Applicants respectfully disagree with the Examiner concerning his objection of the specification regarding the alleged use of "hyperlinks." Applicants submit that no hyperlink that is acting as a source to link up with an existing website exists in the specification. The uniform resource locators (URL) stated in the specification are merely indicators for example servers, which are meant only to aid in illustration. In addition, Applicants believe the Examiner mistook application programming interface (API) calls for hyperlinks. Applicants wish to point out that API calls are specific instructional statements passed to servers to perform an action.

The references to "Internet Explorer" and "Netscape Communicator" have been marked with a trademark registration symbol. Other than that, Applicants are unclear what more the Examiner believes should be done. Clarification is requested.

The Title has been amended to be more descriptive.

#### **The § 112, second paragraph, rejections**

Claims 1 to 20 are deleted. New claims 21 to 36 are submitted thereby mooting the § 112 rejections. No new matter has been added by the amendment.

#### **The Art Rejections**

New independent claim 21 includes, inter alia, "a user sending, from a first computer, a request to store user-specific data to a first server, determining, based on a location of the first computer in the network, a second server in the network for storing the user-specific data, redirecting the request to the second server for storing of the user-specific data at the second

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server and automatically redirecting subsequent requests relating to the user-specific data from the first computer to the second server."

Significantly, the system disclosed in Kenner is clearly concerned only with retrieval of third party data by a user. More particularly, a suitable delivery web-site for the third party data to user involves a determination of a suitable delivery web-site, based on for example electronic closeness. At the same time, there is, however, no disclosure whatsoever in Kenner of processing a request to store user-specific data to a first server, and determining a suitable second server for storing the user-specific data based on a location of the computer from which the user sent the request to store the user-specific data. In the context of Kenner, there is no disclosure what so ever of selecting a delivery web-site based on the location of the third party that is the originator/proprietor of the data to be placed on the delivery web-site. Furthermore, it would be appreciated by a person skilled in the art that there is indeed no motivation what so ever to modify the system in Kenner in that fashion, as the concern is "proximity" of the delivery web-site to potential users downloading the third party data.

Further, in support of this position, Applicants herewith show in detail citations from Kenner to prove the point. Kenner discloses in Col 5 line 35 to Col 6 line 1 that "Each user desiring to use the system will be provided, in a preferred embodiment, with software which includes a configurable utility and a client program. ... The configuration utility is used first to determine which delivery sites provide improved performance ... The configuration utility will run a subset of the tests specified in the delivery site file. The test results show which delivery sites yield improved performance for the user ... The delivery site chosen by the configurable utility is then used by that user for the retrieval of all content managed by the delivery system ... Consequently, when the user is browsing Web content, ... the client software will automatically retrieve it from the specified "Smart Mirror" delivery site."

Kenner discloses in Col 6 line 15-25 that "In an embodiment of the invention, the mirror service provider uses the network performance data provided by the end users to derive a look-up table which correlates Internet IP addresses with "electronically close" delivery sites. When a user is browsing web pages and requests a file, e.g. an advertisement banner or video clip that is managed by the service provider's delivery system, the service provider can map the user's IP

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address to the look-up table and determine which delivery sites are "electronically close" to the user."

Kenner discloses in Col 7 lines 42-55 that "A first delivery site 26 might be located a small number of "hops" from the first user terminal 12. A second delivery site 28 might be located further away from the first user terminal 12, but close to the third user terminal 20. A third delivery site 30 might be as close to the third user terminal 20 as the second delivery 28 is. As previously noted, a user and a provider or delivery site that are "geographically" near each other might not be "electronically" near each other on the Internet. By decreasing the "electronic" distance between the user and the provider or delivery site, the number of network connections and routers over which data must travel can be decreased."

Kenner discloses in Col 8 lines 43-56 that "The configuration utility 34, when first run on the user terminal 12, retrieves a delivery site file (step 40) from the MSP 32 (FIG.1). If the user already has a delivery site file (e.g., it was received with the configuration utility 34), and that delivery site file is sufficiently new, the delivery site file can be retrieved from the local hard disk of the user terminal 12. This delivery site file contains a list of all available delivery sites (such as delivery sites 26, 28, and 30) and a list of network tests to be run at the user terminal 12."

Kenner discloses in Col 14 lines 12-14 that "Once the configuration utility 34 has been run, the user can use the system to enable and facilitate the receipt of data files, specially video clips, audio clips, software programs, and other content".

Similarly, new claim 29 includes, inter alia, features corresponding to the features of new claim 21 discussed above.

As such, Applicants submit that independent claims 21 and 29 and their corresponding dependent claims are novel and inventive over prior art Kenner. On this basis, Applicants believe that the amended claims are patentably distinguishable over the prior art.

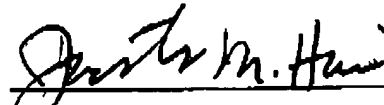
Appl. No.: 09/808,553  
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### CONCLUSION

Given the various differences between the claimed inventions and the prior art, Applicants respectfully ask that the Examiner allow all the present claims and issue a notice of allowance in due course.

If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Conley Rose Deposit Account Number 03-2769 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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